
SENATE BILL No. 398

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-151.6; IC 35-46-1-4.5.

Synopsis: Unattended children in cars. Makes recklessly leaving a child less than seven years of age unattended in a vehicle a Class A misdemeanor. Grants civil immunity to a law enforcement officer who takes reasonable steps to protect a child left unattended in a vehicle.

Effective: July 1, 2009.

Simpson

January 12, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 398

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-151.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 151.6. IC 35-46-1-4.5 (Concerning**
4 **a law enforcement officer who takes reasonable steps to protect a**
5 **child left unattended in a motor vehicle).**

6 SECTION 2. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2009]: **Sec. 4.5. (a) For purposes of this section, a child in a motor**
9 **vehicle is "unattended" if:**

10 **(1) the operator of the motor vehicle and any person having**
11 **care of the child are at least ten (10) feet away from the motor**
12 **vehicle and are unable to continuously observe the child; and**

13 **(2) the child is not under the supervision of a person who is:**

14 **(A) at least fourteen (14) years of age; and**

15 **(B) physically present in the motor vehicle.**

16 **(b) A person:**

17 **(1) who has the care of a child less than seven (7) years of age,**

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1 whether assumed voluntarily or because of a legal obligation;
2 and

3 (2) who recklessly leaves the child unattended in a motor
4 vehicle for more than fifteen (15) minutes;
5 commits leaving an unattended child in a car, a Class A
6 misdemeanor.

7 (c) A law enforcement officer who observes an unattended child
8 in a motor vehicle may take reasonable steps to protect the child,
9 including removing the child from the motor vehicle, unless the
10 officer knows that the leaving of the child in the motor vehicle does
11 not constitute an offense under subsection (b).

12 (d) A law enforcement officer who takes reasonable steps to
13 protect a child in accordance with subsection (c) is immune from
14 civil liability for any act taken or omission made while taking steps
15 to protect the child, unless the act or omission constitutes willful or
16 wanton misconduct or gross negligence.

17 SECTION 3. [EFFECTIVE JULY 1, 2009] IC 35-46-1-4.5, as
18 added by this act, applies only to crimes committed after June 30,
19 2009.

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